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10/788,902	02/26/2004	Christopher W. Blackburn	1842.022US1	4532
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RENWICK, REGINALD A				
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08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,902

Applicant(s)

BLACKBURN ET AL.

Examiner

REGINALD A. RENWICK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 05/06/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement filed on 05/06/2008 has been fully considered for examination.

Claim Rejections - 35 USC § 103

1. Claim 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto (U.S. Patent No. 6,916,247) in view of Rowe (US Patent No. 6,645,077) in view of Rowe (U.S. Patent No. 7,131,909 herein known as '909) in view of Wesley (U.S. Patent No. 7,039,701) in view of Nguyen (U.S. Patent No. 5,638,448).

Re claim 1 and 20: Gatto et al discloses a method for providing a service in a gaming network (col.15, lines 20-30; column 17, lines 15-18) sending service information for a service from the game update service to a discovery agent on the network (Fig. 20, col. 14, lines 11-33); determining by the discovery agent if the game update service is authentic and authorized; in response to determining that the game update service is authentic and authorized, publishing the service information to a service repository to make the game update service available on the gaming network (column 13, lines 64-67); receiving by the discovery agent a request for the location of the game update service from the gaming machine (Fig. 20); returning the service information for the

game update service to the gaming machine (col.13 lines 60-67; col. 14, lines 1-8) using the service information for the game update service to register the gaming machine with the game update service (column 14, lines 9-32).Furthermore Gatto discloses processing one or more requests between the gaming machine and the game update service to provide contention the gaming machine (Fig. 19; col. 15, lines 45-49; col. 15, lines 57-60; col. 16, lines 7-11; col. 18, lines 4-6). Gatto fails to disclose that the service is a game service. However, Rowe discloses such (Fig. 8).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to provide updates to the game software in a timely manner and only parts of the software need be replaced, not for example, an entire disk (col. 11, lines 47-65 of Rowe).

Gatto and Rowe in combination fail to disclose providing game content for a plurality of gaming machines on the gaming network, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game. Therefore attention must be directed towards '909 which discloses a method and apparatus for managing gaming machine code downloads where a game code server sends a game to a game machine on a network amongst a plurality of gaming machines on the gaming network (Abstract). Furthermore, '909 discloses a gaming machine that depicts indica representative of a randomly selected outcome of a wagering game (col.3, lines 47-65; col.4, lines 13-27).

It would have been obvious to one skilled in the art to incorporate downloadable game content to a gaming machine as disclosed by '909 into the gaming service network of Gatto and Rowe in combination because updating games at a particular machine requires technicians to travel to the gaming machine, take the gaming machine out of service, and load new code, which requires substantial manpower to accomplish that subsequently reduces profits, however with the more practical manner of sending downloadable game content to said gaming machine, the overall operation is achieved quickly and without the use of heavy manpower.

Gatto as modified by Rowe and '909 fail to disclose determining by the discovery agent if the game update service is authentic and authorized in response to determining that the game update service is authentic and authorized, publishing the service information to a service repository to make the game update service available; returning the service information for the game update service from the gaming machine; returning the service information for the game update service to the gaming machine.

Wesley discloses determining by the discovery agent if the game update service is authentic and authorized (column 18, lines 52-67, column 19, lines 14-19, 58-67; column 20, lines 1-10); in response to determining that the game update service is authentic and authorized, publishing the service information to a service repository to make the game update service available (Fig.1, column 19, lines 19-30); returning the service information for the game update service from the gaming machine (column 20, lines 10-29); returning the service information for the game update service to the gaming machine.

Gatto as modified by Rowe and '909 discloses that a gaming machine receives content over a network through a server that distributes a service to the game machine as deemed necessary by the server. Wesley discloses that a client machine receives content from a service through a peer to peer basis as deemed necessary by the client machine through the use of a requestor. Because both Gatto as modified by Rowe and '909, and Wesley disclose methods of distributing a service to a machine, it would have been obvious to one skilled in the art to substitute one method for another for the purpose of distributing a service to a machine.

Gatto, Rowe, '909, and Wesley fail to disclose verifying that the gaming machine is authorized to utilize the game update service.

However, Nguyen discloses a network with secure communications sessions wherein the service verifies that a client is authorize to utilize the service; and processing one or more service requests between the client and the service (column 3, lines 24-67).

It would have been obvious at the time the invention was made to modify the gaming service update machine of Gatto, Rowe, '909, and Wesley with the password protection method of Nguyen to prevent the exposure of sensitive data to unauthorized parties.

Re claim 2: Gatto discloses wherein the game update service comprises a web service (col.15, lines 49-56).

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Re claim 3, 11, 15, 22, and 30: Gatto teaches wherein the service request comprises a request for notification of a game content update (col. 11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available) by the gaming machine (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto).

Re claim 4: Gatto, as modified by Rowe, teaches further comprising: receiving a game content change (col. 17, lines 10-12; col. 19, lines 55-58 of Gatto); and issuing a notification of the game content update to the gaming machine in response to the game content change (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto) (col.11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available).

Re claim 6: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the gaming machine (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the gaming machine can function as either the service requestor or provider, then the request can be initiated by the gaming machine).

Re claim 7: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the game update service (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the service can function as either the service requestor or provider, then the request can be initiated by the service; as described in the specification of the current

application (10/788902), this is the PUSH method (page 17, lines 26-28). The applicant admits that this method is prior art (page 20, lines 9-11)).

Re claim 8 and 27: Gatto et al discloses a method for updating content on a gaming machine via a update service on a network and using the service description to register the machine with the update service (column 14, lines 9-32). Gatto et al. does not disclose issuing a request from the gaming machine to a discovery service to discover a service description for the game update service wherein the discovery service receives the service description from the game update service and authenticates and authorizes the game update service, and wherein in response to a wager the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game; receiving the service description from the discover agent; using the service description to register the gaming machine with the game update service, wherein the game update service verifies that the gaming machine is authorize to utilize the game update service; and processing one or more service requests between the gaming machine and the game update service.

Rowe discloses processing one or more service requests between the gaming machine and the game update service (Abstract).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to provide updates to the game software in a timely manner and only parts of the

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software need be replaced, not for example, an entire disk (col. 11, lines 47-65 of Rowe).

Wesley discloses issuing a request from the gaming machine to a discovery service to discover a service description for the game update service wherein the discovery service receives the service description from the game update service and authenticates and authorizes the game update service (Abstract; column 9, lines 1-9; column 20, lines 29-46), receiving the service description from the discover agent (Fig.1);

'909 discloses and wherein in response to a wager the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game (col.3, lines 47-65; col.4, lines 13-27).

It would have been obvious to one skilled in the art to incorporate downloadable game content to a gaming machine as disclosed by '909 into the gaming service network of Gatto and Rowe in combination because updating games at a particular machine requires technicians to travel to the gaming machine, take the gaming machine out of service, and load new code, which requires substantial manpower to accomplish that subsequently reduces profits, however with the more practical manner of sending downloadable game content to said gaming machine, the overall operation is achieved quickly and without the use of heavy manpower.

Nguyen discloses that the game update service verifies that the gaming machine is authorize to utilize the game update service

It would have been obvious at the time the invention was made to modify the gaming service update machine of Gatto, Rowe, '090, and Wesley with the password protection method of Nguyen to prevent the exposure of sensitive data to unauthorized parties.

Re claim 9: Gatto, as modified by Rowe, discloses wherein the game update service comprises a web service (col. 15, lines 49-56).

Re claim 10: Gatto, as modified by Rowe, discloses wherein the service description comprises a web service description language (col. 15, lines 52-53).

Re claim 12: Gatto, as modified by Rowe, teaches further comprising; receiving a notification that game content has been updated (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto); and issuing a request to download the game content (col. 15, lines 20-30 of Gatto) (col. 11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available).

Re claim 13: The limitations of claim 13 are disclosed in the aforementioned claim 1. However claim 1 does not disclose publishing the service information to a service repository to make the game update service available on the gaming network nor that wherein at least one gaming machine of the plurality of gaming machines communicably coupled to the gaming network is operable to issue a request for the location of the

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progressive service to the discovery agent and user the service information received from the discovery agent to issue a registration request to the game update service. However, Wesley discloses at least one machine of the plurality of machines communicably coupled to the network is operable to issue a request for the location of the progressive service to the discovery agent and user the service information received from the discovery agent (column 16, lines 10-57).

It would have been obvious to one skilled in the art at the time the invention was made for the purpose of establishing a network connection with the content source.

Re claim 14: Gatto, as modified by Roew, discloses wherein the game update service comprises a web service (col. 15, lines 49-56).

Re claim 16: Gatto, as modified by Rowe, teaches wherein the game update service is further operable to: receive a game content change (col. 17, lines 10-12; col. 19, lines 55-58 of Gatto); and issue a notification of the game content update to the gaming machine in response to the game content change (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto) (col. 11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available).

Re claim 17: Gatto, as modified by Rowe, teaches wherein the service request comprises a request to download game content to the gaming machine (col. 15, lines 20-30 of Gatto) (col. 11, lines 39-45 of Rowe).

Re claim 18: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the gaming machine (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the gaming machine can function as either the service requestor or provider, then the request can be initiated by the gaming machine).

Re claim 19: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the game update service (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the service can function as either the service requestor or provider, then the request can be initiated by the service; as described in the specification of the current application (10/788902), this is the PUSH method (page 17, lines 26-28). The applicant admits that this method is prior art (page 20, lines 9-11)).

Re claim 21: Gatto, as modified by Rowe, discloses wherein the game update service comprises a web service (col. 15, lines 49-56).

Re claim 23: Gatto, as modified by Rowe, teaches wherein the method further comprises: receiving a game content change (col. 17, lines 10-12; col. 19, lines 55-58 of Gatto); and issuing a notification of the game content update to the gaming machine in response to the game content change (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto) (col. 11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available).

Re claim 24: Gatto, as modified by Rowe, teaches wherein the service request comprises a request to download game content to the gaming machine (col. 15, lines 20-30 of Gatto) (col. 11, lines 39-45 of Rowe).

Re claim 25: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the gaming machine (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the gaming machine can function as either the service requestor or provider, then the request can be initiated by the gaming machine).

Re claim 26: Gatto, as modified by Rowe, discloses wherein the service request is initiated by the game update service (col. 16, lines 1-3; col. 20, lines 32-37; col. 16, lines 7-11: if the service can function as either the service requestor or provider, then the request can be initiated by the service; as described in the specification of the current application (10/788902), this is the PUSH method (page 17, lines 26-28). The applicant admits that this method is prior art (page 20, lines 9-11)).

Re claim 28: Gatto, as modified by Rowe, discloses wherein the game update service comprises a web service (col. 15, lines 49-56).

Re claim 29: Gatto, as modified by Rowe, discloses wherein the service description comprises a web services description language (col. 15, lines 52-53).

Re claim 31: Gatto, as modified by Rowe, teaches wherein the method further comprises: receiving a notification that game content has been updated (Fig. 20; col. 5, lines 1-2; col. 14, lines 10-32 of Gatto); and issuing a request to download the game content (col. 15, lines 20-30 of Gatto) (col. 11, lines 39-45 of Rowe: in order for the player/gaming machine to initiate a download, it must be notified that there are game updates available).

Response to Arguments

2. Applicant's arguments filed 05/06/2008 have been fully considered but they are not persuasive.
3. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).
4. The Applicant has submitted arguments regarding the combination of the prior art references and stated that the examiner has combined references in light of a template model that the claims present. However, this argument is moot as all rejections must present a prime facie case in light of either the singularity or combination of prior art

which highlight particular ideas that either alone or combined meet the limitations of the instant application. In regards to the instant application, the Applicant has presented the principle idea of an updating service for particular gaming machines and a number of parameters that dictate the execution of the principle idea and the environment for which the principle idea should be used. As a result, the examiner has provided a plurality of prior art references with each containing supported reasoning as to their combination with the principle idea. Contrary to the Applicant's arguments of the use of a template, while the examiner can not reject on the basis of the combination of obscure ideas, the examiner can not allow on the basis of an instant application that uses to a plethora of well known devices and methods to achieve a previously stated purpose. Similarly a computer that uses a multitude of known input devices (keyboard, mouse, joystick, monitor, dual monitor, etc.) is not patentable simply because the device uses a number of known input devices not used before in a previous application. Thus the same reasoning must be applied to application 10/788902.

In regards to the prior art used in the rejection, the Applicant has specifically cited Wesley as not specifically identifying the limitations of the instant application. The Applicant argues that Wesley discloses the use of a UDDI registry to perform discovery and publication of web services, and that Wesley fails to teach authenticating and authorizing service. The examiner disagrees. To begin, the Applicant's agrees that the UDDI registry acts to discover web services; however it is the specific "spy" message and persistent node identifier that the system distributes that act as the discovery agents (column 3, lines 8-31). Furthermore this "spy message" denotes the specific

reputation of each of the nodes wherein a specific node responds to the "spy" message (column 19, lines 30-35). The argument is over the word "reputation" and whether a particular reputation warrants authentication or authorization. The Applicant believes that the reputation only reflects how well storage requests are handled by the node. However, Wesley also discloses that the reputation of the particular node is used to further determine if a node is allowed to perform management functions (column 3, lines 23-31) and capable of carrying out a web service (column 6, lines 48-55). Furthermore, the reputation of the node, is a representation of the node's authenticity and authority for which the node has to receive data. Thus if the authentication of the node has been proven to be invalid by a previous message, then the authenticity and authority of the reputation asserted by that peer node will preferably be ignored (column 22, lines 5-22). Furthermore, Wesley further discloses the process of authenticating a node within the system, wherein the authentication allows the traversal path of information obtained from that peer's response message to be stored locally and associated with the newly-received content) (column 22, lines 24-29). This in accordance with the invention establishes a trust model that establishes which nodes are considered trustworthy by establishing and thus provides secure transactions among its members (column 1, lines 57-67).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

8/6/2008
RR